



06/14/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING APPLICATION UNDER RULE 1.53(b)**

Pursuant to 37 CFR 1.53(b), please file a ☒ continuation/☐ divisional  
of the pending prior PATENT APPLICATION of:  
Inventor: John KENTEN, et al  
Serial No. 09/406,781  
Filed: September 28, 1999  
For: **CONTROLLING PROTEIN LEVELS IN EUCARYOTIC ORGANISMS**  
Assistant Commissioner for Patents  
Washington, DC 20231  
Sir:

Atty Dkt.: 2757-5  
C# M#  
Date: June 14, 2001  
Group: 1648  
Examiner: U. Winkler

JC971 U.S. PRO  
09/880149  
06/14/01

This request for filing under Rule 53(b) is made by the following named inventor(s) (using the above-identified title):  
Inventor(s): John KENTEN, et al

- ☒ Attached is a true copy of the prior application as originally filed including the specification, claims, Oath/Declaration and drawings (Figures 1-7) and abstract. No amendments (if any) referenced in the Oath or Declaration filed to complete the prior application introduced new matter.
- ☐ Priority is hereby claimed under 35 USC 119 based on the following foreign applications, the entire content of which is hereby incorporated by reference in this application:

**Application Number****Country****Day/Month/Year/Filed**

☐ certified copy(ies) of foreign application(s) attached or

☐ already filed on \_\_\_\_\_ in prior appln. no. \_\_\_\_\_ filed \_\_\_\_\_

☐ already filed in \_\_\_\_\_ filed \_\_\_\_\_

- ☒ Please amend the specification by inserting before the first line: -- This application claims the benefit of U.S. Provisional Application No. 60/119,851, filed February 12, 1999, the entire content of which is hereby incorporated by reference in this application.--
- ☒ The prior application is assigned to Proteinix, Inc..
- ☒ Power of Attorney has been granted to Leonard C. Mitchard et al, Reg. No. 29,009 of Nixon & Vanderhye P.C., 1100 N. Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201.
- ☒ Address all future communications to: Nixon & Vanderhye P.C., 1100 N. Glebe Rd., 8<sup>th</sup> Floor, Arlington, VA 22201.
- ☒ Please amend the specification by inserting before the first line --This is a continuation of application Serial No. 09/406,781, filed September 28, 1999, now allowed, the entire content of which is hereby incorporated by reference in this application.--
- ☒ This application is entitled to "Small entity" status. ☐ "Small entity" statement attached.
- ☐ Petition filed in prior application to extend its life to insure co-pendency.
- ☒ The Examiner's attention is directed to the prior art cited in the parent application by applicant and/or Examiner for the reasons stated therein.
- ☒ Please enter the attached and/or below preliminary amendment **prior** to calculation of filing fee:
- ☒ The entire disclosure of the prior application above-referenced is considered as being part of the disclosure of this new application and is hereby incorporated by reference therein.
- ☒ Also attached: ☒ **Information Disclosure Statement** ; ☐ **Non-Publication Request**; ☒ **Other: Sequence Listing Paper copy, Sequence Listing Computer-Readable Form, and Statement**

**FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY HERewith CANCELED**

Basic Filing Fee		\$	710.00
Total effective claims	10 - 20 (at least 20) = 0	x \$ 18.00	\$ 0.00
Independent claims	1 - 3 (at least 3) = 0	x \$ 80.00	\$ 0.00
If any proper multiple dependent claims now added for first time, add \$270.00 (ignore improper)			\$ 0.00
	<b>SUBTOTAL</b>	\$	710.00
If "small entity," then enter half (1/2) of subtotal and subtract		-\$	355.00
	<b>SECOND SUBTOTAL</b>	\$	355.00
Assignment Recording Fee (\$40.00)		\$	0.00
	<b>TOTAL FEE ENCLOSED</b>	\$	355.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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LCM:lks

**NIXON & VANDERHYE P.C.**

By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: \_\_\_\_\_

524411

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

John KENTEN, et al

Atty. Ref.: 2757-5

Serial No. Unassigned

Group:

Filed: June 14, 2001

Examiner:

For: CONTROLLING PROTEIN LEVELS IN EUCARYOTIC  
ORGANISMS

\* \* \* \* \*

June 14, 2001

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**SUBMISSION OF SEQUENCE LISTING**

Attached is a printed sequence listing for this application and a copy of the computer readable form on a 3.5" disk in the attached envelope.

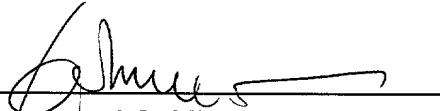
In accordance with 37 C.F.R. 1.821-1.825, I hereby state that the content of the paper and computer-readable copies of the sequence listing submitted in accordance with 37 C.F.R. 1.821(c) and (e), respectively, are the same. I hereby state that the submission, filed in accordance with 37 C.F.R. 1.821(g), does not introduce new matter.

**John KENTEN, et al**  
Serial No. Unassigned

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_

  
Leonard C. Mitchard  
Reg. No. 29,009

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